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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,844	07/24/2001	David Pierre Gendron	1027-001US01	3911
38356	7590	05/09/2006	EXAMINER	
BROOKS & CAMERON, PLLC 1221 NICOLLET MALL #500 MINNEAPOLIS, MN 55403			LE, HIEU C	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/911,844

Applicant(s)

GENDRON ET AL.

Examiner

Hieu c. Le

Art Unit

2142

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.


ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because Applicant alleges that "Cook does not teach all elements recited in the Applicant's claim" (p. 7, line 15-p. 10, line 25). The Examiner disagrees. Firstly, Cooke discloses receiving images or studies from imaging modalities (col. 9, line 65-col. 10, line 3) and routing the image data based on a predetermined routing rules based on a set destination (destination information) and patient location (patient data) and use the routing rules to select a route to route the network communication based on destination and patient location (patient data) (col. 2, lines 33-49). As shown in Fig. 13, the study information form (received network communication) comprises patient ID (patient data) and location ICU (destination). Secondly, the routing rules are based on a set of destination and patient location (patient data) (col. 2, lines 33-51, col. 13, lines 12-15, col. 15, line 56-col. 16, line 5 and table 3) even though Cook does not disclose the comparing step, this step is inherent in Cooke's method because images and studies are routed to an appropriate location based on routing rules that includes destination set and patient location (patient data) i.e. the data is used to route the study which can not be achieved unless the destination information and patient location (patient data) included in these images or studies are compared, matched or correlated to destination set and patient location (patient data) in the routing rules in order to determine the appropriate route based on that comparison.

As to claim 12, Applicant alleges "Applicant respectfully traverses [,]". (p. 12, line 17-p. 13, line 13). The Examiner disagrees. Fig. 7 shows a routing form that is used to assign a routing name to the imaging modalities and provide other information to the PACS. Table 81 includes a field mapping input 86 where a DICOM mapping of an accession number or patient ID is inputted and an input for a "Broker AE title" the broker as defined in col. 12, line 66 is a gateway i.e. a "gateway AE title" to enter the accession number associated with the image or study produced by the imaging modality and being routed and routing pattern input 90 to input the routing associated with the imaging modality. It is clear that the routing table 81 is associating or linking (mapping) a gateway AE title accession number associated with the image or study produced by the imaging modality and is being routed (entry 94) with a DICOM mapping of the accession number (entry 86) with a routing pattern (entry 90) which reads on the claim as broadly claimed.

As to claims 3-6,8-11,13,16-17 (p. 12, line 11-p. 11, line 14) Applicant argues the same arguments about Cook which have been responded to it above.

As to claims 18-20, Applicant alleges "Applicant respectfully submits [,]" (p. 11, line 18-p. 12, line 7). The Examiner disagrees. Cooke is using HTML based rules (col. 17, lines 1-5) Wong discloses an DICOM system for medical imaging that uses XML based set of rules to further enhance browser capabilities by providing user defined types (p. 87, Lc, lines 8-21).